

### REMARKS

The present application has been reviewed in light of the April 2, 2008. Claims 1, 4, and 25-30 are presented for examination, of which Claims 1, 25, 27, and 29 are in independent form. Claims 1, 4, and 25-30 have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

The April 2, 2008 Office Action stated that Claims 1, 4, and 25-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,057,893 (Kojima et al.) in view of U.S. Patent No. 5,774,624 (Enari).

Applicants strongly believes that the version of the claims that was pending prior hereto was patentable over those references for the reasons set forth in the Remarks section of the Request After Final Rejection filed June 2, 2008.

An Advisory Action issued on June 30, 2008. The continuation sheet attached thereto apparently took the position that a combination of Enari with Kojima et al. would not render the Kojima et al. system unable to accomplish the intended goal of preventing degradation at scene changes, as argued in the Request. Apparently, in the Examiner's view, the issuance of an instruction regarding a recording operation often occurs at scene changes and therefore the Kojima et al. system would still perform its intended goal.

Without conceding the propriety of the foregoing position and the Section 103(a) rejection, and while Applicant does not agree with the Examiner's position, certain ones of the claims have been amended to even further clarify the claimed subject matter.

For example, independent claims 1 and 25 have been amended to more clearly recite that an image pickup apparatus can (a) generate an intra-encoded picture for every  $n$  ( $n$  being an integer greater than or equal to two) pictures of a moving image signal by extracting an

image signal of a picture for every n pictures from the moving image signal and encoding the extracted image signal by an intra-encoding method, and, if an instruction to start a recording operation is issued, (b) control encoding so as to change a number (e.g., a rate) of the intra-encoded pictures interposed between the adjacent pictures each extracted for every n pictures while generating the intra-encoded picture for every n pictures.

According to an aspect of the present invention to which those claims relate, since the encoding means is controlled to continue to generate the intra-encoded picture for every n pictures (i.e., GOP), then even if the recording start instruction is detected and the number of the intra-encoded pictures interposed between the adjacent intra-encoded pictures each generated for every n pictures, a complicated decoding mechanism is not required to decode the moving image signal encoded by the encoding means.

The Office Action conceded that Kojima et al. fails to disclose control means that controls encoding means and recording means in accordance with an issuance of a recording instruction, but then alleges that the disclosure missing from Kojima et al. is present in Enari.

The teachings of those references were described in the Request For Reconsideration filed June 2, 2008.

Applicant further submits that Kojima et al. discloses that if a scene change is detected, a P (inter-encoded) picture immediately after the detected scene change is changed to an I (intra-encoded) picture, and the I picture preceding, and/or an I picture subsequent to, the changed I picture are/is changed to the P picture. According to this procedure, the quality of an image generated after the detected scene change purportedly may be improved, since the image immediately after the detected scene change is changed to the I picture.

Enari discloses that all of frames are encoded as an I picture before recording is

started, and then after the recording is started, the frames are encoded so that the encoded frames include the I picture and the P picture.

Although the Advisory Action appears to take the position that Kojima et al. and Enari could be combined to apply a recording start event of Enari to a scene change event in Kojima et al., such a combination (even if deemed permissible and technically feasible) would result merely in a situation where the recording start is detected, the P picture immediately after the detected recording start is changed to an I picture, and the I picture preceding, and/or the I picture subsequent to, the changed I picture are/is changed to the P picture. That is, the result would be a recorded moving image signal that includes a portion having an I-picture periodically different from that (i.e., GOP period) of the other portions which are not subjected to a change in the encoded picture type, in accordance with the detection of the recording start, and would not control an encoding means to generate the I picture for every n pictures, if the recording start instruction is detected, as set forth in claims 1 and 25. Accordingly, the combination proposed by the Examiner also would not be able to achieve the above-described technological advances achieved by aspects of Applicant's invention relating to claims 1 and 25.

In view of the foregoing, Applicant submits that even if Kojima et al. and Enari were to be combined in the manner proposed by the Examiner (assuming such a combination would even be permissible and technically feasible), the result still would not anticipate or suggest the invention recited in claims 1 and 25. Accordingly, those claims are deemed to be clearly patentable over Kojima et al. and Enari, whether considered separately or in combination.

Independent claims 27 and 29 are method claims corresponding to independent claims 1 and 25, respectively, and also are believed to be patentable over Kojima et al. and Enari, whether considered separately or in combination, for the same reasons as are those respective

claims.

The other, dependent claims each depend from one another of the independent claims discussed above, and thus partake in their patentability over Kojima et al. and Enari. Since each dependent claims also recites an additional aspect of the invention, however, the individual reconsideration of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

#### CONCLUSION

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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